

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division



JASON LEVITT, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
v.	)	1:10-cv-00296 (AJT/IDD)
	)	
JOSHUA KAUFFMAN, <u>et al.</u> ,	)	
	)	
Defendants.	)	
_____	)	

**RULE 16(B) SCHEDULING ORDER**

Pursuant to Rule 16(b) and the Court's May 11, 2010 Order, a pretrial conference was held in this matter on June 23, 2010. Upon consideration of the representations made by the parties in the Joint Rule 26(f) Discovery Plan [16] and for the reasons discussed during the pretrial conference, the Court makes the following rulings:

1. All discovery shall be concluded by October 15, 2010.
2. **Disclosures under Fed. R. Civ. P. 26(a)(1) and (2), notices of depositions, interrogatories, requests for documents and admissions, and answers thereto shall not be filed except on order of the court, or for use in a motion or at trial.**
3. The Joint Rule 26(f) Discovery Plan [16] filed by the parties is approved and shall control discovery to the extent of its application unless further modified by the court.
4. All Fed. R. Civ. P. 26(a)(1) disclosures shall be completed within fourteen (14) days after the Rule 16(b) Conference (July 07, 2010).
5. Any motion to amend the pleadings or to join a party shall be made as soon as possible after counsel or the party becomes aware of the grounds for the motion.

6. Expert disclosures shall be governed by the schedule set forth in paragraph B6 of the Joint Rule 26(f) Discovery Plan [16].

7. To the extent either party intends to assert a claim of privilege or protection as trial preparation material, any such claim must be made in a timely manner and in accordance with Fed. R. Civ. P. 26(b)(5).

8. Filings under seal are disfavored and discouraged. *See Va. Dep't of State Police v. Washington Post*, 386 F.3d 567, 575-76 (4th Cir. 2004). Any motion to file a document under seal, including a motion for entry of a protective order containing provisions for filing documents under seal, must comply with Local Civil Rule 5 and must be noticed for a hearing in open court. The motion must state sufficient facts supporting the action sought, and each proposed order must include specific findings.

9. A paper copy of any non-dispositive motion and all papers relating to the motion shall be **delivered directly to the chambers of the undersigned magistrate judge** upon filing. *See* ECF Policies and Procedures, Alexandria Courtesy Copy Information.

10. All motions, except for summary judgment, shall be noticed for a hearing on the earliest possible Friday before the final pretrial conference. Ten working days' notice is required for motions to dismiss, for summary judgment and for judgment on the pleadings. **A non-dispositive motion must be filed by 5:00 p.m. the Friday before the Friday for which it is noticed, with a response due by 5:00 p.m. the Wednesday before the hearing. This order and Local Civil Rule 7 modify the time periods for the notice and briefing of motions under Fed. R. Civ. P. 6(c) and 56(c) .** All motions must contain a statement that a good-faith effort to narrow areas of disagreement has been made in accordance with Local Civil Rule 7(E) and Local


Civil Rule 37(E) for discovery motions.

11. All Fed. R. Civ. P. 12 issues shall be raised in one pleading unless leave of court is first obtained. All summary judgment issues shall be presented in the same pleading unless leave of court is first obtained.

12. All motions must adhere to the page limits set in Local Civil Rule 7(F)(3). No pleading shall be in type less than ten (10) pitch or twelve (12) point.

13. In the event this case is tried before a jury, each party shall file their proposed jury instructions and voir dire five (5) business days prior to trial in accordance with Local Civil Rule 51. Violation of this Rule will constitute a waiver of objections to any instructions given. In the event the case is tried without a jury, counsel shall file written proposed findings of fact and conclusions of law prior to the beginning of trial.

Entered this 23<sup>rd</sup> day of June, 2010.

 /s/ \_\_\_\_\_  
Ivan D. Davis  
United States Magistrate Judge

Alexandria, Virginia